

REMARKS

The present invention is a method for preparation of slaughtered poultry for picking and a system for the preparation of the slaughtered poultry for picking. A system for the preparation of the slaughtered poultry for picking in accordance with an embodiment of the invention includes a scalding department 2, a water vapor source for introducing water vapor into the scalding department, at least one transporting line for transporting bodies of the slaughtered poultry through the scalding department, a flow generation device 17 and/or 19 and a guiding device 18 and/or 20 for guiding the at least one flow of water vapor-air mixture against predetermined regions of at least one of the bodies of the poultry which are more difficult to pick than other regions of the poultry bodies with the scalding being performed without the bodies of the slaughtered poultry being immersed in water. This subject matter provides a solution to the deficiencies of the prior art as discussed in paragraphs [0003]-[0004] of the Substitute Specification.

The Examiner is thanked for the courtesy extended to the undersigned during a telephone discussion of a proposed Response After Final Rejection which occurred on January 5, 2006. Thereafter, the current amendments, with the exception that a reference to "which are more difficult to pick than other areas" has been changed to now refer to "regions" as set forth herein were discussed with the Examiner and emailed to the Examiner. It was also discussed with the Examiner that an Expert Declaration, which is submitted herewith, would establish that the claimed processing of poultry to perform picking is non-analogous relative to United States Patent 5,045,021 (Borup) which pertains to the scalding of pigs to remove

hair. This Declaration is submitted by Mr. Poul Kjeldsen, who is the Chief Technologist of the Assignee, Linco Foods Systems A/S.

Claims 1-27 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 5,045,021 (Borup). These grounds of rejection are traversed for the following reasons.

As discussed with the Examiner during the aforementioned interview and as set forth in detail in the Declaration of Poul Kjeldsen, it is submitted that a person of ordinary skill in the art would not consider the Examiner's finding at the bottom of page 2 of the Final Rejection "both types of carcasses are widely known for being scalded during the processing of turning the carcasses into food, and, as a result, are considered to be structurally equivalent (emphasis added) to be correct." This finding is erroneous for reasons set forth at the top of page 11 through page 15 of the August 4, 2005 Amendment which are incorporated herein by reference. Moreover, the processing conditions associated with Borup's processing of pigs are non-analogous art for reasons set forth in more detail in Mr. Poul Kjeldsen's Declaration.

The independent claims have been amended to specifically recite that the predetermined regions are areas "which are more difficult to pick than other regions of the poultry bodies". Support for these amendments is set forth in paragraph [0008] of the Substitute Specification.

It is submitted that a person of ordinary skill in the art for the reasons set forth in Mr. Kjeldsen's Declaration would not consider the processing of pigs be relevant or analogous prior art pertaining to the claimed "guiding at least one flow of water vapor-air mixture against predetermined regions of at least one of the body of the

poultry which are more difficult to pick than other regions of the poultry bodies with the scalding being performed without the bodies of the slaughtered poultry being immersed in water". There are no predetermined areas on pigs which would meet the aforementioned subject matter and moreover, the overall non-analogous nature of scalding of pigs to remove hair (as contrasted with picking of feathers) would not be considered to be relevant to the preparation of poultry for picking, including the directing of at least flow of water vapor-air mixture against predetermined regions of at least one of the bodies of the poultry which are more difficult to pick than other regions of the poultry bodies with the scalding being performed without the bodies of the slaughtered poultry being immersed in water" as recited in the independent claims.

Moreover, it is submitted that the amendments to the independent claims do not raise new issues since, as was discussed with the Examiner during the aforementioned interview, claims 26 and 27, which the Examiner has acted upon in the Final Rejection, recite that the water vapor-air mixture is guided against predetermined regions of at least one of the bodies of the poultry [which] comprise first nozzles attached to at least one horizontal tube which direct the water vapor-air mixture against the legs of at least one of the bodies and second nozzles attached to at least one vertical tube which direct water vapor-air mixture against portions of the at least one of the bodies below the legs. These previously acted upon claims more specifically recite the subject matter than recited in the claims as amended. However, the same issue was presented in claims 26 and 27 in view of their reference to the leg area of the poultry which were rejected finally as is currently presented by the amended claims.

It is noted that the Examiner's Final Rejection of claims 1-27 as being obvious over Borup did not discuss the predetermined areas of the independent claims being the leg area as recited in claims 26 and 27. It is noted that the Examiner concluded on the top of page 5 that "[r]egarding claims 26 and 27, the reference to Borup teaches first nozzles 14 attached to at least one horizontal tube (unnumbered) and [e]ach nozzle can be adjusted such that the water vapor-air mixture can be directed in any direction or angle". While this statement may be true, it does not consider why a person of ordinary skill in the art would consider modification of the prior art to arrive at the claimed direction against predetermined regions which are the legs or regions which are harder to pick than other areas of the poultry as currently claimed. Accordingly, it is submitted that claims 1-27 are patentable.

Claim 19 stands rejected under 35 U.S.C. §103 as being unpatentable over Borup in view of United States Patent 3,657,768 (Snowden). These grounds of rejection are traversed for the following reasons. Snowden does not cure the deficiencies noted above with respect to Borup pertaining to the direction of the water vapor-air mixture against predetermined regions of at least one of the bodies of the poultry which are more difficult to pick than other regions of poultry bodies.

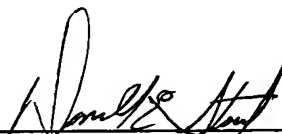
In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (900.43248X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read 'Donald E. Stout', is written over a horizontal line.

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Attachment
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